



INTERIOR BOARD OF INDIAN APPEALS

Rose Ann Hamilton v. Bureau of Indian Affairs

27 IBIA 27 (11/16/1994)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ROSE ANN HAMILTON,
Appellant

v.

BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing Appeal
:
:
: Docket No. IBIA 95-4-A
:
:
: November 16, 1994

On September 19, 1994, the Board of Indian Appeals (Board) received a letter signed by Rose Ann Hamilton as Chairwoman of the Cahuilla Band of Indians. The letter indicated that it was also filed on behalf of the Band. The letter stated that it concerned "a complaint" against two Bureau of Indian Affairs (IBIA) officials.

In an order dated September 20, 1994, the Board stated that it

has jurisdiction to review decisions issued by BIA Area Directors. 25 CFR 2.4(e); 43 CFR 4.331. It also has jurisdiction to review the failure of an Area Director to make a decision or to take action after being requested to do so under the procedures established in 25 CFR 2.8 [1/]. The materials appellant has submitted do not include either a decision made by the Area Director, or evidence that the Area Director has failed to make a decision or to take action after being requested to do so under 25 CFR 2.8.

Appellant was given until October 21, 1994, in which to provide either a copy of the Area Director's decision from which she was appealing, or to show that she had followed the procedures established in 25 CFR 2.8 and the Area Director failed to respond. The order stated that "[f]ailure to make this showing will result in the dismissal of this appeal."

Appellant has failed to respond to the Board's order.

1/ Section 2.8 states in pertinent part:

"(a) A person or persons whose interests are adversely affected, or whose ability to protect such interests is impeded by the failure of an official to act on a request to the official, can make the official's inaction the subject of an appeal."

The remainder of section 2.8 provides procedures for filing an appeal from the inaction of a BIA official.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed and dismissed.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge